

THE TOWN OF FOREST HEIGHTS
RESOLUTION 12-19

**A RESOLUTION FOR THE ADOPTION OF AMENDMENTS TO THE TOWN'S
EMPLOYEE HANDBOOK REGARDING THE USE OF TOWN EMAIL ACCOUNTS
AND ADDRESSES AND GENERALLY RELATING TO ELECTRONIC ACCESS AND
E-POLICIES**

Introduced by: Mayor Habeeb-Ullah Muhammad

WHEREAS, pursuant to § 5-202 of the LG Article of the Md. Ann. Code, the legislative body of a municipality may adopt ordinances to assure the good government of the municipality; and

WHEREAS, pursuant to § 2.5 of the Town Ordinance Code, the Town Council may, from time to time, by resolution issue such rules and regulations governing: 1) the use of Town property by officers, employees, and volunteers and 2) the compensation, discipline, performance, safety, separation and all other matters pertaining to the employment, supervision or management of the Town's officers, employees, and volunteers, as it deems appropriate; and

WHEREAS, the Mayor and Council adopted Resolution 65-12 on October 17, 2012 thereby initially adopting a comprehensive revision of the Town's Employee Handbook, which has been subsequently amended; and

WHEREAS, the Attorney General of Maryland in 81 Op. Att'y Gen. of Md. 140 (1996) has opined that the Maryland Public Information Act (the "Act") applies to electronically stored e-mail messages or hard copies of the messages in the custody and control of a public officer or employee, if the message is related to the conduct of public business regardless of whether the officer or employee creates, receives or stores the record in a public or private email account; and

WHEREAS, the Attorney General of Maryland by referencing Md. Ann. Code, SG Art., §10-611(c)(2) has further opined in said opinion that e-mail messages of members of a public body pertaining to public business would be an "electronic record" and each member would then be the "custodian" of the e-mail messages, because each member would have "physical custody and control of a public record..."; and

WHEREAS, the Mayor recommends that the Council approve an amendment to the Employee Handbook requiring all elected officials and employees of the Town to exclusively utilize Town prescribed email accounts for all Town official business communications particularly for those that are marked or intended as confidential which may be protected from disclosure under the Act.

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NOW THEREFORE BE IT RESOLVED, that the Town Council hereby adopts, and approves the following amendments to the Employee Handbook originally adopted and approved by Resolution 65-12 on October 17, 2012, as amended:

* * *

CHAPTER XI
ELECTRONIC ACCESS (ePOLICIES)

A. GENERAL

The Town provides some, if not all, ELECTED OFFICIALS AND employees with electronic access, consisting of an e-mail system, a network connection, and Internet/Intranet access. This policy governs all use of the Town's network, Internet/Intranet access, and e-mail system at all Town locations and offices. This policy includes, but is not limited to, electronic mail, chat rooms, the Internet, news groups, electronic bulletin boards, the Town of Forest Heights, Maryland's Intranet and all other Town electronic messaging systems.

B. E-MAIL/INTERNET POLICIES AND PROCEDURES

(1) The Town's e-mail system is designed to improve service to our resident's, contractors, OTHER OFFICIALS, AND enhance internal communications, and reduce paperwork. Employees INCLUDING ALL ELECTED OFFICIALS AND APPOINTED EMPLOYEES using The Town of Forest Heights, Maryland's e-mail system must adhere to the following policies and procedures:

- The Town's e-mail system, network, and Internet/Intranet access are intended for business-use only. Employees AND ELECTED OFFICIALS may access e-mail and the Internet for personal use only during non-working hours, and strictly in compliance with the terms of this policy. EACH EMPLOYEE AND ELECTED OFFICIAL SHALL BE PROVIDED WITH AN OFFICIAL TOWN EMAIL ADDRESS AND ACCOUNT INTENDED FOR OFFICIAL USE REGARDING TOWN BUSINESS.
- All information created, sent, or received via the Town of Forest Heights, Maryland's e-mail system, network, Internet, or Intranet, including all e-mail messages and electronic files, is the property of the Town. Employees AND ELECTED OFFICIALS should have no expectation of privacy regarding this information. The Town of Forest Heights, Maryland reserves the right to access, read, review, monitor, OR copy all messages and files on its computer, EMAIL OR OTHER

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COMMUNICATIONS system at any time and without notice. When deemed necessary, AND UNLESS OTHER LAW FORBIDS IT, the Town reserves the right to disclose text or images to law enforcement agencies or other third parties without the employee's consent.

- Use extreme caution to ensure that the correct e-mail address is used for the intended recipient(s).
- Any message or file sent via e-mail must have the OFFICIAL'S OR employee's name attached. THE EXCLUSIVE USE OF PERSONAL [Personal] e-mail accounts FOR TOWN BUSINESS IS [are] not permitted unless expressly authorized in advance by the Town's Chief Information Officer or the Town Administrator. Alternate Internet Service Provider connections to the Town's internal network are not permitted unless expressly authorized by the Town of Forest Heights, Maryland and properly protected by a firewall or other appropriate security device(s) and/or software.
- Confidential information should not be sent via e-mail unless PROTECTED BY ANTI-HACKING SOFTWARE OR encrypted by Town approved encryption software and according to established Town procedure in affect at the time of transmittal. This includes the transmission of customer financial information, Social Security numbers, employee health records, or other confidential material.
- Employees must provide the Town Clerk or Administrator and/or Mayor with all passwords.
- Only authorized management personnel are permitted to access another person's e-mail without consent.
- Employees should exercise sound judgment when distributing messages. Client-related messages should be carefully guarded and protected. Employees AND OFFICIALS must also abide by copyright laws, ethics rules, and other applicable laws.
- E-mail messages must contain professional and appropriate language at all times. Employees AND OFFICIALS are prohibited from sending abusive, harassing, intimidating, threatening, and discriminatory or otherwise offensive messages via e-mail. Sending abusive, harassing, intimidating, threatening, discriminatory, or otherwise offensive messages via e-mail will result in disciplinary action up to and including termination.

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- E-mail usage must conform to the Town's harassment and discrimination policies.
 - Use of the Town's e-mail system to solicit for any purpose, personal or otherwise, without the consent of the Town of Forest Heights, Maryland is strictly prohibited.
 - [~~Chain messages and executable graphics and/or programs should be deleted.~~] Any employee OR OFFICIAL engaging in the transmission of inappropriate e-mails, as determined by management, will be subject to discipline, up to and including termination.
 - Employees should archive messages to prevent them from being automatically deleted OR TAKE OTHER MEASURES TO ENSURE EMAILS ARE NOT INTENTIONALLY OR INADVERTENTLY DESTROYED. All messages STORED OR ARCHIVED in the Town's computer, EMAIL OR OTHER system shall be deemed Town property, as is all information on the Town of Forest Heights, Maryland's systems. Employees are responsible for knowing the Town of Forest Heights, Maryland's e-mail retention policies.
 - Misuse and/or abuse of electronic access, including but not limited to, personal use during working hours, copying or downloading copyrighted materials, visiting pornographic sites or sending abusive e-mail messages will result in disciplinary action, up to and including termination.
- (2) Violation of any of these policies will subject an employee to disciplinary action, up to and including termination, SUSPENSION AND/OR CENSURE.

* * *

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this 22 day of February 2019.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

yea

KENNEDY II

yea

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MCLAURIN

Absent

BARNES

Yes

HINES

Absent

WASHINGTON

Yes

BROWNSON

Absent

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

By: **SIGNATURE ON FILE**
Habeeb-Ullah Muhammad, Mayor

By: **SIGNATURE ON FILE**
Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 22 of February 2019 with 24 Aye votes and 0 Nay vote the aforesaid Resolution 06-19 passed.

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

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